



**AUSTIN CITY COUNCIL
MINUTES**

**REGULAR MEETING
THURSDAY, AUGUST 25, 2005**

Invocation: Rev. David E. Farnum, CSP, Director, University Catholic Center

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, August 25, 2005 in the Council Chambers of City Hall, 301 W. 2nd Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:12 a.m.

CONSENT AGENDA

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Alvarez' motion. Council Member Leffingwell's second on a 7-0 vote.

1. Approval of the minutes from the meeting of August 18, 2005.
The minutes from the meeting of August 18, 2005 were approved.
2. Approve an ordinance amending the Approved Fiscal Year 2004-2005 Operating Budget, Library Department Special Revenue Fund, Ordinance No. 040913-01 to add a .50 full time equivalent position, resulting in a total of 5.0 full time equivalent positions for the Interlibrary Loan Program funded by the Texas State Library and Archives Commission. (Funding for this FTE increase is available in the amount of \$24,775 from the Texas State Library and Archives Commission. The grant period is September 1, 2005 through August 31, 2006.)
Ordinance No 20050825-002 was approved.
3. Approve a resolution to authorize the fee simple acquisition of 7314 Dixie Drive, also known as Lot 36, Block E, Yarrabee Bend South Section 1, a subdivision in Travis County, Texas, from Juan L. Aguilera, Jr., Virginia Aguilera, and Cynthia Ann Padilla also known as Cynthia Ann Pellicon, for the Streambank Restoration and Erosion Management Program, in an amount not to exceed \$84,000 for the land and improvements, an amount not to exceed \$22,500 for owner-assisted relocation benefits, plus moving related expenses not to exceed \$10,000, for a total amount not to exceed \$116,500. (Funding in the amount of \$116,500 is included in the Fiscal Year 2004-2005 Amended Capital Budget of the Watershed Protection and Development Review Department.)
Resolution No. 20050825-003 was approved.

4. Approve an ordinance amending Section 12-4-63 of the City Code to delete Jollyville Road from 100 feet south of Adolph Alley to 450 feet north of Mesa Drive from the list of streets having a maximum speed limit of 20 miles per hour in a school zone based on the closure of Grace Covenant Christian School. (Funding in the amount of \$2,900 is available the Fiscal Year 2004-2005 Approved Operating Budget of the Public Works Department for the removal of signs and flashers.)

Ordinance No. 20050825-004 was approved.

5. Authorize execution of a construction contract with CASH CONSTRUCTION COMPANY, LTD., Pflugerville, TX, for the Southwest C Water Transmission Main Phase I project in the amount of \$4,659,668.10 plus a \$232,983.40 contingency, for a total contract amount not to exceed \$4,892,651.50. (Funding in the amount of \$1,842,651.50 is included in the Fiscal Year 2002-2003 Amended Capital Budget of the Austin Water Utility and funding in the amount of \$3,050,000 is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) Lowest bid of two responsive bids received. 2.65% MBE and 3.53% WBE subcontractor participation. (Recommended by the Water and Wastewater Commission.)

The motion authorizing the execution of a construction contract was approved.

6. Authorize execution of a construction contract with CASH CONSTRUCTION COMPANY, LTD., Pflugerville, TX for the Southwest C Water Transmission Main Phase II project in the amount of \$1,753,528 plus a \$87,676.40 contingency, for a total contract amount not to exceed \$1,841,204.40. (Funding in the amount of \$1,841,204.40 is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) Lowest bid of three responsive bids received. 0.29% MBE and 3.32% WBE subcontractor participation. (Recommended by the Water and Wastewater Commission.)

The motion authorizing the execution of a construction contract was approved.

Item 7 was pulled for discussion.

8. Authorize execution of a contract with WAGNER-SMITH EQUIPMENT COMPANY, Burleson, TX, for refurbishment services for an existing conductor puller/tensioner machine in an amount not to exceed \$69,475. (Funding is available in the Fiscal Year 2004-2005 Amended Operating Budget of Austin Energy.) Only bid received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the execution of a contract was approved.

9. Authorize execution of a 12-month service agreement with E SOURCE-PLATTS, Boulder, CO, for subscription services of independent data and analysis of retail energy markets, services, and technologies, in an amount not to exceed \$101,200, with four 12-month extension options in an amount not to exceed \$101,200 per extension option, for a total agreement amount not to exceed \$506,000.00. (Funding in the amount of \$8,433.33 is available in the Fiscal Year 2004-2005 Operating Budget of Austin Energy. Funding for the remaining 11 months of the original contract period and extension options is contingent upon available funding in future budgets.) Sole Source. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the execution of a service agreement was approved.

10. Authorize execution of a contract with ASHBROOK SIMON-HARTLEY, Houston, TX, for the refurbishment of one gravity belt thickener for the Austin Water Utility in an amount not to exceed \$50,628. (Funding is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Austin Water Utility.) Sole Source. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a contract was approved.
11. Authorize execution of a contract with TELOG INSTRUMENTS, INC., Victor, NY, for the purchase of data logging instrumentation and software for the Austin Water Utility in an amount not to exceed \$180,847. (Funding in the amount of \$52,125 is included in the Fiscal Year 2004-2005 Approved Capital Budget of the Austin Water Utility. Funding in the amount of \$128,722 is included in the Fiscal Year 2004-2005 Approved Wastewater Utility Operating Fund.) Sole Source. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a contract was approved.
12. Authorize execution of a 12-month supply agreement with SECURITY SAFETY & SUPPLY INC., Houston, TX, for the purchase of traffic cones for the Austin Water Utility in an amount not to exceed \$55,850, with two 12-month extension options in an amount not to exceed \$55,850 per extension option, for a total contract amount not to exceed \$167,550. (Funding in the amount of \$4,654 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Austin Water Utility. Funding for the remaining 11 months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid of 11 bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontract opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a supply agreement was approved.
13. Authorize execution of a 12-month supply agreement with HERSEY-METERS COMPANY, Cleveland, NC, for the purchase of water meters in an amount not to exceed \$56,022.80, with two 12-month extension options in an amount not to exceed \$56,022.80 per extension option, for a total contract amount not to exceed \$168,068.40. (Funding in the amount of \$4,668.56 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Austin Water Utility. Funding for the remaining 11 months of the original contract period and extension options is contingent upon available funding in future budgets.) Sole Source. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a supply agreement was approved.
14. Authorize execution of a 12-month supply agreement with AIRGAS SPECIALTY PRODUCTS, Atlanta, GA, for the purchase of anhydrous ammonia for the Austin Water Utility in an amount not to exceed \$86,320, with two 12-month extension options in an amount not to exceed \$86,320 per extension option, for a total contract amount not to exceed \$258,960. (Funding in the amount of \$7,193 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Austin Water Utility. Funding for the remaining 11 months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid of two received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned

and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the execution of a supply agreement was approved.

15. Authorize execution of a 12-month supply/service agreement with FMC TECHNOLOGIES - AIRPORT SERVICES, Odgen, UT, for service and repair parts for passenger boarding bridges for the Austin Bergstrom International Airport in an amount not to exceed \$110,000, with two 12-month extension options in an amount not to exceed \$110,000 per extension option, for a total agreement amount not to exceed \$330,000. (Funding in the amount of \$9,167 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Department of Aviation. Funding for the remaining 11 months of the original contract period and extension options is contingent upon available funding in future budgets.) Only bid received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the execution of a supply/service agreement was approved.

Item 16 was pulled for discussion.

17. Authorize execution of a 12-month supply agreement with SIEMENS AIRFIELD SOLUTIONS, Columbus, OH for the purchase of replacement airfield lamps for the Austin-Bergstrom International Airport (ABIA) in an amount not to exceed \$61,172.80, with two 12-month extension options in an amount not to exceed \$61,172.80 per extension option, for a total contract amount not to exceed \$183,518.40. (Funding in the amount of \$5,098 is available in the Fiscal Year 2004-2005 Approved Airport Operating Fund of the Department of Aviation. Funding for the remaining 11 months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of four bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the execution of a supply agreement was approved.

18. Authorize execution of a 12-month Interlocal Agreement with AUSTIN COMMUNITY COLLEGE, Austin, TX, to provide training classes and individual coaching sessions on the use of Quickbooks accounting software to small business owners for the Economic Growth and Redevelopment Services Office, in an amount not to exceed \$30,000, with two 12-month extension options in an amount not to exceed \$30,000 per extension option, for a total agreement amount not to exceed \$90,000. (Funding in the amount of \$30,000 is available in the Fiscal Year 2004-2005 Amended Operating Budget of the Economic Growth and Redevelopment Services Office. Funding for the extension options is contingent on available funding in future budgets.) Interlocal agreement.

The motion authorizing the execution of an Interlocal Agreement was approved.

19. Authorize execution of a 12-month supply agreement with AIRGAS SOUTHWEST, Austin, TX, for medical grade oxygen for the Emergency Medical Services Department and the Austin Fire Department in an amount not to exceed \$87,487.50, with two 12-month extension options in an amount not to exceed \$87,487.50 per extension option, for a total agreement amount not to exceed \$262,462.50. (Funding in the amount of \$6,603 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Emergency Medical Services Department. Funding in the amount of \$687 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Austin Fire Department. Funding for the remaining 11 months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid of two bids

received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the execution of a supply agreement was approved.

20. Authorize negotiation and execution of a 12-month service agreement with BLUECROSS AND BLUESHIELD OF TEXAS for Health Maintenance Organization medical coverage in an amount not to exceed \$52,987,000 with two 12-month extension options in an amount not to exceed \$60,935,000 for the first extension option and \$70,075,000 for the second extension option, for a total agreement amount not to exceed \$183,997,000. (Funding in the amount of \$39,740,250 is included in the Fiscal Year 2005-2006 Proposed Operating Budget of the Employee Benefits Fund of the Human Resources Department. Funding for the remaining three months of the original contract period and extension options is contingent upon available funding in future budgets.) Best proposal of three proposals received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the negotiation and execution of a service agreement was approved.

21. Authorize negotiation and execution of a 12-month service agreement with INDUSTRIAL/ORGANIZATIONAL SOLUTIONS, INC., Westchester, IL, for civil service written promotional examination services in an amount not to exceed \$49,000, with three 12-month extension options in an amount not to exceed \$49,000 per extension option, for a total agreement amount not to exceed \$196,000. (Funding in the amount of \$4,083 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Human Resources Department. The Austin Police and Fire Departments will be back charged for these services. Funding for the remaining 11 months of the original contract period and extension options is contingent upon available funding in future budgets.) Best evaluated proposal of six proposals received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the negotiation and execution of a service agreement was approved.

22. Authorize execution of a contract with HERTZ EQUIPMENT RENTAL CORPORATION, Austin, TX, for the purchase of one 40-foot electric powered boom lift in an amount not to exceed \$48,472.58. (Funding is available in the Fiscal Year 2004-2005 Approved Capital Budget of the Parks and Recreation Department.) Low bid of eight bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the execution of a contract was approved.

23. Authorize negotiation and execution of a 12-month service agreement with JOHN L. WORTHAM L.L.P., Houston, TX for administration services of the Rolling Owner Controlled Insurance Program (ROCIP IV) to assist in assuring availability of insurance for small contractors, in an amount not to exceed \$119,153, with four 12-month extension options in an amounts not to exceed \$125,891 for the first extension option, \$112,269 for the second extension option, \$112,335 for the third extension option, and \$114,352 for the fourth extension option, for a total agreement amount not to exceed \$584,000. (Funding in the amount of \$119,153 is included in the various Proposed Capital Budgets of the Austin Water Utility, Parks and Recreation Department, Public Work Department, and Library Department. Funding for the

extension options is contingent upon available funding in future budgets.) Only proposal received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. (Related Item 24)

The motion authorizing the negotiation and execution of a service agreement was approved.

24. Authorize negotiation and execution of a 12-month service agreement with SAFETY SOLUTIONS, INC.(WBE/FR), Austin, TX for safety program management services in the Rolling Owner Controlled Insurance Program in an amount not to exceed \$83,000, with four 12-month extension options in the amounts not to exceed \$75,000 for the first extension option, \$65,000 for the second extension option, \$61,000 for the third extension option, and \$30,000 for the fourth extension option, for a total agreement amount not to exceed \$314,000. (Funding in the amount of \$83,000 is included in the various Proposed Capital Budgets of the Austin Water Utility, Parks and Recreation Department, Public Works Department, and Library Department. Funding for the extension options is contingent upon available funding in future budgets.) Only proposal received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. (Related Item 23)

The motion authorizing the negotiation and execution of a service agreement was approved.

25. Authorize negotiation and execution of a Community Facilities Contract with SIMON PROPERTY GROUP ARBOR WALK, L.P. for an amount not to exceed \$3,296,568 and all necessary and related documents for design and construction of modifications to an existing regional detention pond system. (Funding in the amount of \$485,831 is available in the Fiscal Year 2004-2005 Amended Capital Budget of the Watershed Protection and Development Review Department. Funding in the amount of \$2,810,737 is included in the Fiscal Year 2005-2006 Proposed Capital Budget of the Watershed Protection and Development Review Department.) The developer will conform to the City of Austin design criteria and construction standards in all respects, solicit and publish invitation for bids, evaluate and award for construction of the improvements in accordance with standard City of Austin bidding practices, procedures and Chapter 252 of the Texas Local Government Code in which bids and solicitation based on plans and specifications prepared and approved, including the City MBE/WBE Ordinance. (Recommended by Environmental Board and Zoning and Platting Commission.)

The motion authorizing the negotiation and execution of a community facilities contract was approved.

26. Board and Commission appointments.

The following appointments were made:

| <u>Board/ Appointee</u> | <u>Consensus/ Council Nominee</u> | <u>Appointment/ Reappointment</u> |
|--|---------------------------------------|---------------------------------------|
| <u>Environmental Board</u> | | |
| Amer Gilani | Council Member Kim's | Appointment |
| Mary Gay Maxwell | Council Member Dunkerley's | Reappointment |
| <u>Mexican American Cultural Center Advisory Board</u> | | |
| Isidoro Lopez | Consensus | Appointment |

Item 27 was pulled for discussion.

28. Approve an ordinance waiving Section 2-1-262 of the City Code relating to qualification requirements for a member of the Electric Utility Commission. (Mayor Pro Tem Danny Thomas and Council Member Lee Leffingwell)
Ordinance No. 20050825-028 was approved.

Items 29 through 32 were Executive Session items.

Items 33 through 35 were bond sales set for a time certain of 2:00 p.m.

Items 36 through 37 were briefings set for a time certain of 2:00 p.m.

Items 38 through 40 and Z-1 through Z-10 were zoning items set for 4:00 p.m.

Items 41 through 44 were a public hearings set for 6:00 p.m.

45. Approve a resolution to initiate the process for creating a public pocket park, establishing streetscapes, and modifying height limitations on 900, 906, and 908 West 26th Street within the University Neighborhood Overlay District. (Mayor Will Wynn and Council Member Lee Leffingwell)
This item was postponed indefinitely and withdrawn from the agenda.

DISCUSSION ITEM

16. Authorize negotiation and execution of a contract with CIRCADIAN TECHNOLOGIES, INC., Lexington, MA. for the implementation of a Fatigue Management Program for the Emergency Medical Services Department in an amount not to exceed \$162,400. (Funding is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Emergency Medical Services Department.) Only proposal received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the negotiation and execution of a contract was approved on Council Member Kim's motion, Council Member Dunkerley's second on a 7-0 vote.

Mayor recessed the Council Meeting to go into Executive Session at 10:35 a.m.

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney - Section 551.071

The Mayor announced that Council would discuss item number 27 on the regular agenda during Executive Session.

Item 29 was discussed later in Executive Session.

30. Discuss legal issues concerning proposed legislation in the 79th Second Called Legislative Session and legislation from the 79th Regular Legislative Session.
31. Discuss legal issues in *City of Austin v. Level 3 Communications, Inc. and Level 3 Communications LLC*; Cause No. GN 304585, in the 353rd Judicial District Court of Travis County, Texas and the outside counsel contract with Scott, Douglass & McConnico. (concerns damage to the City's Onion Creek Tunnel and liner)
This item was postponed to September 1, 2005.
32. Discuss legal issues related to drainage on the property located at the northeast corner of Pleasant Valley and Elmont Drive, Austin, Texas.

Executive Session ended and the Mayor called the Council Meeting back to order at 12:05 p.m.

CITIZEN COMMUNICATIONS: GENERAL

Jennifer L. Gale - Announcement for Governor of Texas: Two Year Anniversary

DISCUSSION ITEMS

27. Approve an ordinance amending Title 2 of the City Code to add a new Chapter 2-12 relating to eminent domain powers. (Council Member Brewster McCracken, Mayor Will Wynn and Council Member Lee Leffingwell)
The first reading of the ordinance was approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 7-0 vote.
7. Authorize execution of a construction contract with BRH GARVER CONSTRUCTION, L.P., Houston, TX, for the Austin Clean Water Program: Govalle 5 Basin/Project 1 - Taylor Slough South in the amount of \$2,400,000 plus a \$120,000 contingency, for a total contract amount not to exceed \$2,520,000. (Funding in the amount of \$2,520,000 is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) Lowest bid of three received. 1.1% MBE and 81.4% WBE subcontractor participation. (Recommended by the Water and Wastewater Commission.)
The motion authorizing the execution of a construction contract was approved on Council Member Alvarez' motion, Mayor Pro Tem Thomas' second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting at 12:22 p.m.

Mayor called the Council Meeting back to order at 2:05 p.m.

Bond Sales

33. Approve an ordinance authorizing the issuance of \$7,185,000 City of Austin, Texas, Certificates of Obligation, Series 2005, and all related documents. (\$569,250 in the first year debt service requirement and \$400 estimated annual administration fee for the paying agent/registrar for the proposed Certificate of Obligation sale is included in the 2005-2006 Proposed Operating Budget of the General Obligation Debt Service Fund.)
Ordinance No. 20050825-033 in the amount of 7,185,000 was approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 6-0 vote. Council Member Alvarez was off the dais.

34. Approve an ordinance authorizing the issuance of \$14,940,000 City of Austin, Texas, Public Property Finance Contractual Obligations, Series 2005, and all related documents. (\$1,348,200 in the first year debt service requirement and \$400 estimated annual administration fee for the paying agent/registrar for the proposed contractual obligation sale is included in the Fiscal Year 2005-2006 Proposed Operating Budget of the General Obligation Debt Service Fund.)
Ordinance No. 20050825-034 in the amount of \$14,940,000 was approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 6-0 vote. Council Member Alvarez was off the dais.
35. Approve an ordinance authorizing the issuance of \$19,535,000 City of Austin, Texas, Public Improvement and Refunding Bonds, Series 2005, and all related documents. (\$976,750 in the first year debt service requirement and \$400 estimated annual administration fee for the paying agent/registrar for the proposed bond sale is included in the 2005-2006 Proposed Operating Budget of the General Obligation Debt Service Fund.)
Ordinance No. 20050825-035 in the amount of \$19,535,000 was approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 6-0 vote. Council Member Alvarez was off the dais.

BRIEFINGS

36. Presentation from Downtown Works, a division of Economics Research Associates (ERA) on the implementation of the Downtown Retail Strategy, focusing on Congress Avenue.
This item was postponed to October 2005.
37. Presentation of the City of Austin Fiscal Year 2005-2006 Proposed Budget including the Economic Growth and Redevelopment Services Office, the Neighborhood Planning and Zoning Department, the Watershed Protection and Development Review Department, and the Public Works Department.
The presentation was made by Laura Huffman, Assistant City Manager; Sue Edwards, Director of Economic Growth and Redevelopment Services; Kirk Watson, Greater Austin Chamber of Commerce; Gary Farmer, Greater Austin Chamber of Commerce; Alice Glasco, Director of Neighborhood Planning Zoning Department; Joe Pantalione, Watershed Protection and Development Review Department; and Sandra Creighton, Public Works Department.

ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Dunkerley's motion, Council Member McCracken's second on a 7-0 vote.

38. C14-05-0065.SH - Harris Branch Apartments - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 12317 Dessau Road (Harris Branch Watershed) from interim-rural residence (I-RR) district to multi-family residence-low density-conditional overlay (MF-2-CO) combining district zoning with conditions. First reading approved on August 18, 2005. Vote: 7-0. Applicant: Dessau 21, Ltd. (Paul Joseph). Agent: Thrower Design (Ron Thrower). City Staff: Sherri Sirwaitis, 974-3057.
Ordinance No. 20050825-038 for multi-family residence-low density-conditional overlay (MF-2-CO) combining district zoning with conditions was approved.

39. C14-04-0196 - Hyde Park North NCCD - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4505 Duval Street (Waller Creek Watershed) from multi-family residence - medium density (MF-3) district zoning and community commercial (GR) district zoning to multi-family residence - medium density - neighborhood conservation - neighborhood plan (MF-3-NCCD-NP) combining district zoning and community commercial neighborhood conservation-neighborhood plan (GR-NCCD-NP) combining district zoning. The Neighborhood Mixed Use Building special use is proposed for this property. The North Hyde Park NCCD proposes modified site design and development standards including but not limited to the following: land use, floor area ratios (FAR), building heights, mixed use developments, garages, parking, impervious and building coverage allowances, setbacks and driveway and parking access. The proposed zoning change also implements the land use recommendations of the Hyde Park Neighborhood Plan for this property. First reading approved on August 18, 2005. Vote 6-0, Council Member McCracken off the dais. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. (Glenn Rhoades, 974-2275, Alex Koenig, 974-3515).
This item was postponed to September 1, 2005 at staff's request.
40. C814-88-0001.08 - Gables at Westlake - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3100-3320 North Capital of Texas Highway (Lake Austin Watershed) from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning to change a condition of zoning. First reading approved on August 18, 2005. Vote: 7-0. Applicant: Protestant Episcopal School Council (Brad Powell). Agent: Drenner Stuart Metcalfe von Kreisler (Steve Drenner). City Staff: Glenn Rhoades, 974-2775.
Ordinance No. 20050825-040 for planned unit development (PUD) district zoning to change a condition of zoning with a trip limit of 1,302 per day was approved.

ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The public hearings were closed and consent items were approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 7-0 vote.

- Z-1 C814-88-0001(RCA) - Gables at Westlake - Conduct a public hearing and approve a restrictive covenant amendment for the property locally known as 3100-3320 Capital of Texas Highway (Lake Austin Watershed). Zoning and Platting Commission Recommendation: To approve the restrictive covenant amendment. Applicant: Protestant Episcopal School Council (Brad Powell). Agent: Drenner Stuart Metcalfe von Kreisler (Steve Drenner). City Staff: Glenn Rhoades, 974-2775.
The motion granting a restrictive covenant amendment was approved.
- Z-2 NPA-05-0007-01 - North Austin Civic Association - Conduct a public hearing and approve an ordinance amending the North Austin Civic Association Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the Future Land Use Map from multi-family designation to commercial designation for property located at 9117 Northgate Boulevard, Lot 3 of Northgate Terrace Section 1. Planning Commission Recommendation: To change the future land use map to mixed use designation. Applicant: Syed Asif Shamise. Agent: Bennett Consulting (Jim Bennett). City Staff: Scott Whiteman, 974-2865. (Related Item Z-3)
This item was postponed to October 6, 2005 at applicant's request.

- Z-3 C14-05-0030 - Shamise 1 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9117 Northgate Blvd. (Little Walnut Creek Watershed) from multi-family-medium density-neighborhood plan (MF-3-NP) combining district zoning to neighborhood commercial-neighborhood plan (LR-NP) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay-neighborhood plan (LR-CO-NP) combining district zoning. Applicant: Syed Asif Shamise. Agent: Bennett Consulting: Jim Bennett. City Staff: Sherri Sirwaitis, 974-3057. (Related Item Z-2)
This item was postponed to October 6, 2005 at applicant's request.
- Z-4 C14-05-0064 - Parmer Meadows - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12509 North Lamar Blvd. (Walnut Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Continental I-35 Fund Limited Partnership (Daniel J. Minahan). Agent: Doucet and Associates, Inc. (Carol M. Stewart). City Staff: Sherri Sirwaitis, 974-3057.
The first reading of the ordinance for community commercial-conditional overlay (GR-CO) combining district zoning with a trip limit of 2,000 per day was approved.
- Z-5 C14-05-0088 - Oak Hill Center - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7212 State Highway 71 West (Williamson Creek Watershed-Barton Springs Zone) from rural residence (RR) district zoning to general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial – conditional overlay (GR-CO) combining district zoning. Applicant and Agent: Midbar Investment Co., L.L.C., (Claire Brooks). City Staff: Robert Heil, 974-2330.
The first reading of the ordinance for community commercial – conditional overlay (GR-CO) combining district zoning was approved.
- Z-6 C14-05-0048 - Palm Harbor Round Rock Sales Office - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 15996 N. IH-35 Service Road-Southbound (Walnut Creek Watershed) from single family residence standard lot (SF-2) district zoning to general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning with conditions. Applicant: Palm Harbor Homes (Greg Vaughn). Agent: The Moore Group Inc. (Ed Moore). City Staff: Sherri Sirwaitis, 974-3057.
The first reading of the ordinance for general commercial services-conditional overlay (CS-CO) combining district zoning with conditions was approved.
- Z-8 C14-05-0042 - 11601 North Lamar Blvd. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 11601 North Lamar Blvd. (Walnut Creek Suburban Watershed) from interim rural residence (I-RR) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning. Applicant: Steven Tong. Agent: Shaw Hamilton Consultants (Shaw Hamilton). City Staff: Jerry Rusthoven, 974-3207.
This item was postponed to September 29, 2005 at the applicant's request.

- Z-10 C14-05-0074 - H2O Car Wash - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3327 West Slaughter Lane (Slaughter Creek-Barton Springs Zone) from limited office-conditional overlay (LO-CO) combining district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning with conditions. Agent: Terra Advisors, DBA (Michael F. Doerr). Agent: Sarah Crocker. City Staff: Wendy Walsh, 974-7719. A valid petition has been filed in opposition to this rezoning request.
This item was postponed to October 27, 2005 at the applicant's request.

ZONING DISCUSSION ITEMS

- Z-7 C14-82-020 - Colonial Trails (RCT) - Conduct a public hearing and approve a restrictive covenant termination for the properties located at 400-810 Colonial Park Boulevard; 1 and 701-817 Sheraton Avenue; and 0 Shelby Lane (Williamson Creek Watershed). Planning Commission Recommendation: To grant the request to terminate the restrictive covenant. Applicant: Colonial Trails Management, L.L.C. (Candice Wiggins Sullivan); Main Street Homes, Inc. (Steve Bartholemew, Ken Blaker). City Staff: Wendy Walsh, 974-7719.
The public hearing was closed and the motion to grant the request to terminate the restrictive covenant was approved on Council Member McCracken's motion, Mayor Wynn's second on a 7-0 vote.
- Z-9 C14-05-0025 - 1706 & 1708 W. 6th Street - Old West Austin Neighborhood Plan rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1706 & 1708 W. 6th Street (Town Lake Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to neighborhood office-mixed use-conditional overlay-neighborhood plan (NO-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant neighborhood office-mixed use-conditional overlay-neighborhood plan (NO-MU-CO-NP) combining district zoning. Property Owners: 1706-Sara & Jeffrey Leon; 1708-Don Henry. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Jorge Rousselin, 974-2975. A valid petition has been filed in opposition to this rezoning request.
This item was postponed to September 1, 2005 on Council Member Leffingwell's motion, Council Member McCracken's second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 5:10 p.m.

LIVE MUSIC

Teye & Belen

PROCLAMATIONS

Proclamation – Support Austin Nightlife - to be presented by Mayor Will Wynn and to be accepted by Rodney Ahart and Randall Stockton

Proclamation – Keep Austin Weird 5K - to be presented by Mayor Will Wynn and to be accepted by Melissa Miller

Proclamation – Austin/Lesotho Sister Cities Month - to be presented by Mayor Will Wynn and to be accepted by Bertha Means and Austin -Maseru Committee Members

Distinguished Service Award – Laura Wiley - to be presented by Mayor Will Wynn and to be accepted by the honoree

EXECUTIVE SESSION CONTINUED

29. Discuss legal issues related to Collective Bargaining with the Austin Association of Professional Fire Fighters.

Executive Session ended and the Mayor called the Council Meeting back to order at 6:51 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTION

44. Conduct a public hearing and consider an appeal by Mr. Mike McHone under Section 25-11-247 of the City Code of the denial of a Certificate of Appropriateness by the Historic Landmark Commission under Section 25-11-247 of the City Code for the relocation of the Nelson and Texanna Davis House, currently located at 1621 West 12th Street. (Certificate of Appropriateness denied by Historic Landmark Commission.)
The public hearing was closed and Resolution No. 20050825-044 including Exhibit A was approved on Council Member Leffingwell's motion, Mayor Wynn's second on a 6-0 vote. Council Member Kim was off the dais.

Item 41 was reconsidered later in the meeting.

42. Conduct a public hearing to receive public comment on the City of Austin Fiscal Year 2005-2006 Proposed Budget including the Economic Growth and Redevelopment Services Office, the Neighborhood Planning and Zoning Department, the Watershed Protection and Development Review Department, and the Public Works Department.
The public hearing was closed on Mayor Pro Tem Thomas' motion, Mayor Wynn's second on a 7-0 vote.
41. Conduct a public hearing on the proposed ad valorem tax rate for Fiscal Year 2005-2006.
The public hearing was closed on Council Member McCracken's motion, Mayor Pro Tem Thomas' second on a 7-0 vote.

A motion to reconsider Item 41 and reopen the public hearing was approved on Council Member McCracken's motion, Mayor Pro Tem Thomas' second on a 7-0 vote.

The mayor announced that the City Council to consider and vote on the proposed tax rate on September 12, 13, or 14, 2005 at 10:00 a.m. at City Hall, Council Chambers, 301 West Second Street, Austin, Texas. A motion to close the public hearing was approved on Council Member McCracken's motion, Mayor Pro Tem Thomas' second on a 7-0 vote

43. Conduct a public hearing and approve an ordinance naming an unnamed right-of-way as Waters Way. The right-of-way intersects Dark Valley Cove in the Shadowridge Crossing Section 12 subdivision generally located on F.M. 1826 between Slaughter Lane and U.S. Highway 290 west. (The City of Austin must pay a street sign replacement fee in an estimated amount of \$250. No processing fee because it is City sponsored.)
The public hearing was closed on Council Member McCracken's motion, Mayor Pro Tem Thomas' second on a 7-0 vote.

Ordinance No. 20050825-043 was approved on Council Member Leffingwell's motion, Council Member Alvarez' second on a 7-0 vote.

Mayor Wynn adjourned the meeting at 9:32 p.m. without objection.

The minutes for the Regular Meeting of August 25, 2005 were approved on this the 1st day of September, 2005 on Council Member Alvarez' motion, Council Member McCracken's second on a 7-0 vote.